

**CLOSED**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

NATIONAL FINANCIAL GROUP, INC.,	:	
	:	Civil Action No. 05-4197 (FSH)
Plaintiff/Counterdefendant,	:	
	:	
v.	:	<b><u>ORDER</u></b>
	:	
CAJUN OPERATING COMPANY d/b/a	:	
CHURCH'S CHICKEN	:	February 9, 2007
	:	
Defendant/Counterclaimant	:	
	:	

This matter coming before this Court upon Magistrate Judge Schwartz's January 24, 2007 Report and Recommendation recommending that "that the United States District Judge dismiss the Complaint and enter judgment in favor of the defendant on its counterclaims pursuant to Fed. R. Civ. P. 37. The parties have ten (10) days from receipt of this Recommendation to file and serve objections;" and

it appearing that neither party has filed an objection to the Report and Recommendation and that ten days have passed, *see* L. Civ. R. 72.1(c)(2); and

it appearing that the Report and Recommendation states that a January 24, 2007 letter from Defendant advised the Court "that the plaintiff failed to provide its portion of the joint proposed final pretrial order as required by the Order dated January 16, 2007;" and

it appearing that Magistrate Judge Schwartz set forth on the record on January 16, 2007 the events supporting its "recommendation that the United States District Judge dismiss the Complaint and enter judgment in favor of the defendant on its counterclaims absent plaintiff's

compliance with its obligation to produce its version of the joint proposed final pretrial order;”  
and

this Court having reviewed *de novo* the Report and Recommendation and the January 16, 2007 record, and good cause appearing;

**IT IS** on this 9<sup>th</sup> day of February, 2007

**ORDERED** that Magistrate Judge Shwartz’s January 24, 2007 Report and Recommendation is adopted as the Opinion of this Court; and it is

**ORDERED** that Plaintiff’s Complaint is **DISMISSED** and that judgment is entered in favor of the Defendant on its counterclaims pursuant to Fed. R. Civ. P. 37; and it is further

**ORDERED** that this case is **CLOSED**.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.